

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

OCT 7 2002

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| In the Matter of                           | ) |                      |
|  | ) |                      |
| Request for Review of the                  | ) |                      |
| Decision of the                            | ) |                      |
| Universal Service Administrator by         | ) |                      |
|  | ) |                      |
| East Baton Rouge Parish Library            | ) | File No. SLD-267852  |
| Baton Rouge, Louisiana                     | ) |                      |
|  | ) |                      |
| Federal-State Joint Board on               | ) | CC Docket No. 96-45✓ |
| Universal Service                          | ) |                      |
|  | ) |                      |
| Changes to the Board of Directors of the   | ) | CC Docket No. 97-21  |
| National Exchange Carrier Association, Inc | ) |                      |

**ORDER**

**Adopted: October 4, 2002**

**Released: October 7, 2002**

By the Telecommunication Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by the East Baton Rouge Parish Library (East Baton Rouge), Baton Rouge, Louisiana, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> East Baton Rouge requests review of SLD's denial of its application for discounts under the schools and libraries universal service support mechanism.<sup>2</sup> For the reasons set forth below, we grant East Baton Rouge's Request for Review; and remand its application to SLD for further processing consistent with this Order.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>3</sup> In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to SLD a completed FCC Form 470, in which the applicant sets forth its technological

<sup>1</sup> Letter from John B. Richards, East Baton Rouge Parish Library, to Federal Communications Commission, filed August 10, 2001 (Request for Review).

<sup>2</sup> See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> 47 C.F.R. §§ 54.502, 54.503

needs and the services for which it seeks discounts.<sup>4</sup> Once the applicant has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has entered an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.<sup>5</sup>

3. East Baton Rouge submitted its Funding Year 2001 FCC Form 471 application by mail to SLD on January 17, 2001.<sup>6</sup> By letter dated March 22, 2001, SLD informed East Baton Rouge that its FCC Form 471 did not meet Minimum Processing Standards and therefore could not be processed.<sup>7</sup> SLD explained that East Baton Rouge failed to submit its FCC Form 471 on the correct OMB-approved Funding Year 2001 FCC Form 471 (the correct form is dated October 2000 in the lower right-hand corner of the form). SLD also explained that its application was incomplete and that all six blocks of its application had to be resubmitted.

4. East Baton Rouge appealed to SLD for reconsideration of its application.<sup>8</sup> In its Appeal to SLD, East Baton Rouge described the process by which it prepared and filed its FCC Form 471 application. First, East Baton Rouge had downloaded the "PDF format" of the FCC Form 471 from SLD's website and completed the form on one of its computers.<sup>9</sup> It then printed that application and mailed the printed copy to SLD for processing. East Baton Rouge asserted that "FCC Form 471 - October 2000" appeared on all pages of the form it used except the second page of the worksheets. East Baton Rouge explained that "FCC Form 471 - October 2000" did not appear on the second page, because the computer program that it used to provide the PDF format was designed to print "Page 2 of 2" at the top of the second page of the form instead of

<sup>4</sup> 47 C.F.R. §§ 54.504(b)(1), (b)(3).

<sup>5</sup> 47 C.F.R. § 54.504(c).

<sup>6</sup> FCC Form 471, East Baton Rouge, filed January 17, 2001 (East Baton Rouge FCC Form 471). In prior years, this funding period was referred to as Funding Year 4. Funding years are now described by the year in which the funding period starts. Thus, the funding period which begins on July 1, 2001 and ends on June 30, 2002, previously referred to as Funding Year 4, is now called Funding Year 2001. The funding period which begins on July 1, 2002 and ends on June 30, 2003 is now known as Funding Year 2002, and so on.

<sup>7</sup> Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Trudy Jaques, East Baton Rouge Parish Library, dated March 22, 2001. SLD utilizes what it calls "Minimum Processing Standards" to facilitate the efficient review of the thousands of applications requesting funding. 47 C.F.R. § 54.504(c); see SLD website, "Form 471 Minimum Processing Standards and Filing Requirements for Funding Year (2001)," <<http://www.sl.universalservice.org/reference/471mps.asp>>. Minimum Processing Standards require applicants to provide at least the basic data necessary for SLD to initiate review of the application under statutory requirements and Commission rules. When an applicant submits an FCC Form 471, SLD performs an initial visual inspection of applications it receives to determine if they have omitted items required by the Minimum Processing Standards. In such a case, SLD automatically returns the application to the applicant without considering the application for discounts under the program.

<sup>8</sup> Letter from John B. Richards and Trudy Jaques, Easton Baton Rouge Parish Library, to Schools and Libraries Division, Universal Service Administrative Company, filed April 20, 2001 (Appeal to SLD).

<sup>9</sup> *Id.* at 4.

printing "FCC Form 471 - October 2000".

5. With respect to SLD's statement that its application was incomplete, East Baton Rouge maintained that it had mailed a completed application to SLD for processing.<sup>11</sup> East Baton Rouge stated that pursuant to the instructions for completing Block 5, it had attached a copy of its referenced FCC Form 470 signature and certification pages to its FCC Form 471 application.<sup>12</sup> East Baton Rouge recalled that it had inserted the FCC Form 470 signature and certification pages in its FCC Form 471 application immediately in front of Block 5. East Baton Rouge also maintained that it had also attached its signed Block 6 signature and certification pages to its application.<sup>13</sup>

6. By letter dated July 13, 2001, SLD informed East Baton Rouge that East Baton Rouge had submitted its FCC Form 471 on the correct OMB-approved form.<sup>14</sup> However, SLD upheld its original finding that the Block 6 signature and certification pages of the FCC Form 471 were not included with the Funding Year 2001 application. SLD stated that the only signature and certification page included in the application was one for FCC Form 470 Number 696270000282076. Thus, SLD determined that East Baton's application was incomplete and could not be processed.

7. In response, East Baton Rouge filed the instant Request for Review with the Commission.<sup>15</sup> In its Request for Review, East Baton Rouge states that it had completed its FCC Form 471 on-line, but printed and mailed the form so that all supporting documentation that could not be entered online could be submitted with the application.<sup>16</sup> East Baton Rouge states that it printed two complete FCC Form 471 applications and stapled copies of its supporting documents to both applications. It then signed printed copies of the application, mailing one to SLD and filing the other with the library's records.

8. East Baton Rouge notes that when SLD returned its application for failing to meet Minimum Processing Standards, the application did not contain the Block 6 signature and certification pages.<sup>17</sup> East Baton maintains that when its application was submitted to SLD the application was complete, including the Block 6 signature and certification pages. East Baton Rouge suggests that when SLD received its original application, which included a copy of its

<sup>10</sup> *Id*

<sup>11</sup> *Id* East Baton Rouge attached to its Appeal to SLD the signature page for its FCC Form 470 Application Number 696270000282076, referenced in Block 5, Item 12 of its FCC Form 471

<sup>12</sup> *Id.* at 4

<sup>13</sup> Letter from the Schools and Libraries Division, Universal Service Administrative Company, to John B. Richards, East Baton Rouge Parish Library, dated July 13, 2001 (Administrator's Decision on Appeal).

<sup>14</sup> Request for Review

<sup>15</sup> *Id.*, Attachment (Full Statement of Relevant, Material Facts), at 1

<sup>16</sup> *Id.*, Attachment (Full Statement of Relevant, Material Facts), at 3

FC'C Form 470 signature and certification pages, SLD mistakenly determined that the FCC Form 470 signature page had been submitted instead of the required FCC Form 471 signature and certification pages.

9. We have carefully reviewed the record before us and have determined that SLD improperly rejected East Baton Rouge's FCC Form 471 application. The record demonstrates that East Baton Rouge submitted a Funding Year 2001 FCC Form 471 by mail to SLD.<sup>17</sup> The application was received by SLD on January 17, 2001. We find that this application included the appropriate Funding Year 2001 Block 6 signature and certification pages. In our review of this matter, we determined that, during the application review process, the Block 6 signature and certification pages for Application Number 267582 were inadvertently separated from that application and associated with another Funding Year 2001 application, Application Number 227257, which East Baton Rouge completed on-line, but inadvertently filed with SLD.<sup>18</sup>

10. Application Number 267582 lists the Application's Form Identifier as EBR-471-Year 4. The Block 6 signature and certification page attached to Application Number 227257 bear the same document identifier. The record indicates that the signature and certification pages were received by SLD on January 17, 2001, the same day that Application Number 267582 was received by SLD. We find that due to an SLD error, East Baton Rouge's Block 6 signatures and certification pages were inadvertently attached to the wrong application. Based on the record before us, we conclude that East Baton Rouge's Funding Year 2001 application was complete and timely submitted to SLD. We therefore remand East Baton Rouge's application to SLD for further processing consistent with this Order, and instruct SLD to issue an appropriate Funding Commitment Decision Letter, if otherwise appropriate. However, we make no determination as to whether East Baton Rouge is ultimately entitled to the discounts requested in its application.

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<sup>17</sup> East Baton Rouge FCC Form 471

<sup>18</sup> Electronic mail from Catriona Ayer, Schools and Libraries Division, Universal Service Administrative Company, to Romanda Williams, Federal Communications Commission, dated May 13, 2002. *See also* Letter from Trudy S. Jaques, East Baton Rouge Parish Library, to Eric K. Johnson, Federal Communications Commission, dated April 10, 2002.

11. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by East Baton Rouge Parish Library on August 10, 2001, IS GRANTED to the extent provided herein, and East Baton Rouge's application is REMANDED to SLD for further consistent with this decision.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Mark G. Seifert". The signature is written in a cursive, flowing style.

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireless Competition Bureau